

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

DOUGLAS J. HORN and CINDY HARP-HORN,

Plaintiffs,

-against-

MEDICAL MARIJUANA, INC., DIXIE ELIXIRS
AND EDIBLES, RED DICE HOLDINGS, LLC,
and DIXIE BOTANICALS,

Defendants.

Civil Action No. 15-cv-00701-G

**AMENDED CASE
MANAGEMENT ORDER**

Pursuant to the Text Order of Hon. Frank P. Geraci referring the above case to the undersigned for pretrial procedures and the entry of a scheduling order as provided in Fed.R.Civ.P. (“Rule”) 16(b) and Local Rule 16,

IT IS ORDERED that:

1. In accordance with Section 2.1A of the Plan for Alternative Dispute Resolution,¹ this case has been referred to mediation.
2. All motions to join other parties and to amend the pleadings shall be filed no later than **March 21, 2017**.
3. The initial mediation session shall be held no later than **January 30, 2017**.
4. All motions to compel shall be filed no later than **July 15, 2017**. If a discovery dispute arises, before filing a motion to compel the movant must advise the undersigned of the dispute and request a conference by submitting a letter to the Court (copying opposing counsel). *See* Rule 16(b)(3)(B)(v). Upon review of the letter, a conference will be scheduled with the parties to attempt to resolve the issue informally. If the dispute is not resolved informally, the parties will be given the opportunity to file a formal motion. This informal discovery dispute resolution process is not expedited motion practice. Therefore, letter submissions should provide a brief overview of the issue with supporting documentation and the parties’ positions. Parties do not waive arguments by failing to raise them in their letter submissions.

¹ A copy of the ADR Plan, a list of ADR Neutrals, and related forms and documents can be found at <http://www.nywd.uscourts.gov> or obtained from the Clerk’s Office.

5. All fact discovery shall be completed no later than **June 1, 2017**.

6. The parties shall identify any expert witnesses and produce their reports pursuant to Fed. R. Civ. P. 26(a)(2) as follows:

(a) plaintiffs shall identify any expert witnesses and produce their reports by **September 1, 2017**;

(b) defendants shall identify any expert witnesses and produce their reports by **October 1, 2017**;

(c) plaintiffs shall identify any rebuttal expert witnesses and produce their reports by **November 1, 2017**; and

(d) defendants shall identify any rebuttal expert witnesses and produce their reports by **December 1, 2017**.

7. All expert depositions shall be completed no later than **December 31, 2017**.

8. Pretrial dispositive motions, if any, shall be filed no later than **May 1, 2018**. Such motions shall be made returnable before the Judge Geraci.

9. If no pretrial dispositive motions are filed, the parties shall contact the chambers of Judge Geraci by **June 1, 2018** to schedule a trial date.

10. Mediation sessions may continue, in accordance with Section 5.11 of the ADR Plan, until **July 1, 2018**. The continuation of mediation sessions shall not delay or defer other dates set forth in this Case Management Order.

No extension of the above deadlines will be granted except upon written application, filed prior to the deadline, showing good cause for the extension. The parties are reminded that “a finding of ‘good cause’ depends on the diligence of the moving party”. *Parker v. Columbia Pictures Industries*, 204 F.3d 326, 340 (2d Cir. 2000).

SO ORDERED.

DATED:

Buffalo, New York

/s/ Michael J. Roemer
MICHAEL J. ROEMER
United States Magistrate Judge